

FY2015 LAND and PARC grant programs

Questions and Answers

Q. Do I need to include the supplier diversity forms with the application?

A. No, the LAND and PARC grant application responses don't need to include them.

Q. Is it possible to receive a PARC grant for construction in year one of the two year grant timeframe?

A. No. If the municipality is requesting funding strictly for construction work, it should be requested in year two (in this grant round that would be FY16).

Q. Is it possible to have the town meeting or city council vote after the grant application deadline?

A. Yes. DCS requires that the vote occur before the end of the calendar year, but it can happen after the grant deadline.

Q. Can you package multiple parks into one PARC grant application to meet the 100 car parking requirement for the regional or statewide grant category?

A. No. The 100 parking spaces must be all at one site, not spread over multiple parks.

Q. Do PARC grants require review by the Massachusetts Historical Commission?

A. Yes. All applicants must file a project notification form.

Q. Are support letters required?

A. No.

Q. Where can I find the PARC rating system?

A. It is in the PARC grant RFR package.

Q. If bids come back higher than expected, is it possible to not complete the project as initially proposed?

A. Any changes to the project scope must be approved by DCS as deletions to the project may have affected the application's score.

Q. If the fee schedule doesn't currently satisfy the fair fee requirement (non-residents can't be charged more than twice what a resident is charged), can an application still be submitted?

A. Yes, but the fee schedule will have to be changed before a grant contract is signed.

Q. How should an applicant choose which project to apply for if it only wants to submit one grant application?

A. The rating system is included in the grant's RFR, so it is possible to "self rate" a project to estimate which would score higher and potentially be more competitive.

Q. Is staff time reimbursable?

A. No.

Q. Does the Conservation Restriction have to cover the entire property or just a part of it?

A. It must cover the entire property that's subject to the grant application.

Q. Is filing the project agreement at the registry with the property deed what protects the land in perpetuity?

A. Land that is subject to a LAND or PARC grant is protected through Article 97 of the Massachusetts constitution. The project agreement is filed as an adjunct to the deed to serve as a reminder to future generations of this fact, however, the town vote, receipt of grant funds, and placement under the care of the conservation commission or parks department also place it under Article 97.

Q. If the municipality is seeking grant funding to cover the costs of due diligence on land that will be donated, does it still need an appraisal of the property value?

A. Since the municipality is not requesting reimbursement on the acquisition cost itself, an appraisal does not need to be completed.

Q. What is enhanced outreach in Environmental Justice (EJ) neighborhoods?

A. Enhanced outreach involves a number of items, depending on what type of EJ criteria are met in that neighborhood. If the neighborhood is non-English speaking, then outreach should be done in the appropriate language(s). If the neighborhood is minority and/or low income, the applicant should focus on informing the neighbors of all public meetings that are held. This can include direct mail, hanging signs in local businesses and/or gathering places, such as the library, city/town hall, post office, stores, etc.

Q. Can the Notice of Intent be filed at the same time as the grant application?

A. The municipality should feel free to file the Notice of Intent at any time to satisfy that process's requirements.

Q. Does the LAND grant application have to come from a municipal applicant?

A. Yes, only municipal conservation commissions may apply to the LAND grant program. However, many LAND projects are the product of cooperation with other town boards or commissions (such as the Open Space Committee), non-profit land trusts, and interested residents.

Q. If a non-profit has preacquired a parcel of land, can a municipality file an application for the acquisition of said parcel?

A. The DCS grant programs are intended to protect land that is currently unprotected, and as such land owned by non-profit land trusts is generally not eligible to receive funding. However, in cases where there is a compelling reason that the usual grant timing is not feasible, DCS may accept applications to purchase land that has been pre-acquired by a non-profit land trust. Applicants considering this route must contact and explain the circumstances to DCS prior to submitting such an application. DCS reserves the right to reject any application to acquire land owned by a non-profit land trust.

Q. Must the land be owned by the municipality by the PARC grant deadline?

A. No, however, a grant award would be contingent upon the municipality having ownership of the property.

Q. What legal fees are eligible for reimbursement?

A. Only those legal fees directly associated with title research and certification are eligible for reimbursement.

Q. How long can the project description be?

A. No more than two pages.

Q. Is a deed restriction enough to satisfy the Community Preservation Act (CPA) requirement to convey a Conservation Restriction?

A. No. CPA requires a separate Conservation Restriction in accordance with MGL Ch. 184 to be recorded with the deed.

Q. Can a land trust hold a CR or underlying fee of a property that a town seeks grant funding to acquire?

A. Municipalities may convey a CR on fee parcels to a land trust, or retain a CR and convey the fee. Municipalities must be cautious in how they structure these projects. The municipality must acquire the interest specified in the grant application and valued in the appraisal. If it receives payment for any subsequent conveyance, the grant award payment will be adjusted to reflect this. Municipalities contemplating such arrangements are encouraged to contact DCS to ensure they maintain funding eligibility.

Q. How long does review by the Natural Heritage and Endangered Species Program (NHESP) and the Historical Commission take?

A. Applicants are encouraged to send their project notification forms to NHESP and the Historical Commission as soon as they can, leaving a minimum of one month for response.

Q. What if an acquisition project would convert agricultural land to non-agricultural uses?

A. In general, projects that take active farmland out of production are not viewed favorably. If farmland is inactive or low productivity, it may be eligible. Applicants are encouraged to discuss their projects with DCS as well as the Department of Agricultural Resources at 617-626-1700.